

Remarks

Objections to the Specification; Priority Information

The Office Action objects to the specification because it does not indicate the current status of parent application Serial No. 09/879,792. The priority information has been up-dated.

The Office Action also contends that PCT/EP01/06618 was not co-pending with the present application. It is the parent application Serial No. 09/879,792 which claims priority to PCT/EP01/06618. The specification has been amended to clarify the claimed priority.

Please withdraw the objections.

Rejection of Claims 31-39 Under 35 U.S.C. § 112 ¶ 2

Claims 31-39 stand rejected under 35 U.S.C. § 112 ¶ 2 as indefinite. Applicants respectfully traverse the rejection.

The Office Action contends that the terms “biologically active variants thereof” and “an activity” are indefinite. To advance prosecution, independent claim 31 has been amended to delete the recitation “biologically active variants thereof” and to recite “serine protease activity. The specification supports the latter recitation, *inter alia*, in the paragraph bridging pages 34-35 of the specification.

Please withdraw the rejection.

Rejections of Claims 31-39 Under 35 U.S.C. § 112 ¶ 1

Claims 31-39 stand rejected under 35 U.S.C. § 112 ¶ 1 as insufficiently described and as not enabled for their full scope. Applicants respectfully traverse the rejections. Claim 31 as amended recites subject matter which the Office Action acknowledges is described and enabled.

Please withdraw the rejections.

Rejection of Claims 31-39 Under 35 U.S.C. § 112 ¶ 1 (deposit requirement)

Claims 31-39 stand rejected under 35 U.S.C. § 112 ¶ 1 as not enabled because the specification does not provide an indication of public availability of the deposited plasmid pCRII-TMSP3 (accession number PTA-3433).

During the pendency of this application, access to the deposited plasmid will be afforded to the Commissioner upon request. Upon granting of a patent on this application, the plasmid will be available to the public under the conditions specified in 37 C.F.R. § 1.808. The plasmid will be maintained in a public repository for a period of 30 years or 5 years after the last request or for the effective life of the patent, whichever is longer. The deposit will be replaced if it should ever become non-viable.

Please withdraw this rejection.

Respectfully submitted,
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